

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	February 26, 2003
SUBJECT/TITLE:	Notice of Proposed Change (NOPC) #4 to the Southwood Development of Regional Impact (DRI)
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

Public hearing on and final disposition of Notification of Proposed Change (NOPC) #4 to the Southwood Development of Regional Impact (DRI). In accordance with Subsection 380.06(19), Florida Statutes, the City Commission must review the NOPC and determine if the proposed changes constitute a "substantial deviation" to the Southwood DRI. If the City Commission determines the proposed changes are a substantial deviation, the proposed changes are subject to further DRI review. If the City Commission determines the proposed changes are not a substantial deviation, the City Commission must also decide to approve, approve with conditions, or deny the proposed Amended Development Order.

RECOMMENDED ACTION

Option 1: Determine that NOPC #4 to the Southwood DRI is not a "substantial deviation" and approve the Amended Development Order found in Attachment #1, subject to conditions recommended by staff and the Planning Commission.

FISCAL IMPACT

None

Robert L. Herman
Growth Management Department

Anita R. Favors
City Manager

For Information, please contact: Karen M. Jumonville 891-7030

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SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

On December 6, 2002, Mr. Timothy D. Edmond, acting as the authorized agent of St. Joe/Arvida Company, L.P., submitted a Notification of Proposed Change (NOPC), including an Amended Development Order (ADO) to the previously approved Southwood Development of Regional Impact (DRI) to the City of Tallahassee, the Florida Department of Community Affairs (DCA), and the Apalachee Regional Planning Council (ARPC). The Southwood DRI NOPC was submitted in accordance with Section 380.06(19), Florida Statutes.

The Southwood DRI was originally approved on April 28, 1999 to allow a traditional Town Center and other mixed-use tracts to accommodate 2,993,619 gross square feet of commercial and office use; an industrial area with 2,728,381 gross square feet; a major education center; recreation areas, including a golf course; and a total of 4,770 dwelling units. The project area consisted of 3,241 acres.

SUMMARY OF REQUEST:

Pages 3-13 of the "Southwood" NOPC booklet prepared by PBS&J describes all of the specific changes to the Southwood DRI that are proposed at this point in time (refer to **Attachment #1**). These changes can be summarized as follows:

- Revise the Master Development Plan;
- Reconfigure pods adjacent to Capital Circle Southeast;
- Reclassify Medium Density Residential 12 (MDR-12) as Mixed-Use Educational/Institutional 4 (MUEI-4);
- Relocate two acres of open space;
- Adjust acreage totals for certain pods;
- Accelerate demand for Town Center during Phase I;
- Authorize potential increase of Phase I Institutional; and
- Modify Transportation Mitigation.

CITY STAFF REVIEW AND COMMENTS:

The Southwood DRI NOPC was distributed to the following City Departments for their review: City Attorney's Office, Public Works, Utility Services (potable water, sanitary sewer, electric, gas), Planning, and Growth Management. The written comments can be summarized as follows:

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City Attorney's Office:

- No comments

Public Works Department:

- Provide evidence that the benefits of the Centerview to Tram Road segment of Capital Circle Southeast, which is slated for funding in 2007, can be considered for this NOPC.

Utility Services Departments:

- No comments

Planning Department:

- The proposed changes to the Planned Unit Development Master Development Plan will require a Planned Unit Development amendment as specified in Section 10.3.E of the Zoning, Site Plan and Subdivision Regulations.
- The Joint Planning Agreement should be entered into prior to or simultaneous to the approval of the proposed Notice of Propose Change.
- The developer should continue to work with Department staff to address the overall density issue. The applicant should provide an overall density analysis complete with the approved units (plats) and actual acreages in order to determine whether or not the required average densities are being achieved or provide an alternative proposed change to remedy any noncompliance with this requirement in the future.

Growth Management Department:

- The trip generation summary should be added to the DO as an exhibit. The MUOC-4 and TC pods should be separated out or a footnote should be added to set a maximum square footage for MUOC-4.
- Prior to submittal of the next Notice of Proposed Change, the Developer shall perform a traffic analysis relating to the use of the educational facilities (K-12) as they relate to community college uses. Mitigation relating to this change in use shall be reflected in the next Notice of Proposed Change.
- The DO should be conditioned to require that the improvement to Capital Circle SE be constructed, under construction, let to contract for construction, or scheduled to be let for contract within 3 years. As an alternative, a letter from the Public Works Department indicating that the improvement will meet this schedule would satisfy this condition.
- It is anticipated that a JPA will be executed prior to or at the February 26, 2003 City Commission meeting at which the proposed NOPC will be considered. If a JPA is executed prior to the NOPC being considered by the City Commission, the requirement for the developer to construct the improvements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9) 3.A.14.f(17) and 3.A.14(g) should be deleted. If a JPA is not executed prior to the NOPC being

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considered by the City Commission, the NOPC shall be continued until such time a JPA is executed and in effect or language should be added to the DO to indicate that the current DO requirements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9), 3.A.14.f(17) and 3.A.14(g) will be deleted provided the developer enter into a JPA no later than April 15, 2003. The language should also indicate that if a JPA is not executed by April 15, 2003, the roadway improvements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9), 3.A.14.f(17) and 3.A.14(g) shall be required to be completed, but the current September 11, 2003 deadline by which the identified roadway improvements must be under construction or let to contract for construction shall be extended by 180 days.

STATE OF FLORIDA STAFF REVIEW AND COMMENTS:

The Apalachee Regional Planning Council (ARPC) distributed the Southwood DRI NOPC #4 to the following state agencies: Florida Department of Community Affairs, Florida Department of Environmental Protection, Florida Department of Transportation, Florida Fish & Wildlife Conservation Commission, and the Northwest Florida Water Management District. The written comments received from the Apalachee Regional Planning Council and the State of Florida agencies can be summarized as follows:

Apalachee Regional Planning Council:

- On February 5, 2003, a letter was received from the ARPC indicating that the Council has reviewed all comments submitted from the DRI review agencies and has made a finding that the Southwood DRI NOPC #4 is not a "substantial deviation" as set forth in Subsection 380.06(19), Florida Statutes. However, the Council strongly encourages the City to require that the applicant address the JPA issue to the satisfaction of FDOT before approving the development order.

Florida Department of Community Affairs:

- No comments

Florida Department of Environmental Protection:

- No issues

Florida Department of Transportation:

- A relationship between the JPA and the resubmitted DO has not been sufficiently established. The applicant should address the JPA issue prior to approving the DO.

Florida Fish & Wildlife Conservation Commission:

- No issues

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- No issues

PLANNING DEPARTMENT CONSISTENCY REVIEW:

Planning Department Staff finds the above described NOPC #4 to the Southwood DRI consistent with the currently adopted Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

The Tallahassee-Leon County Planning Commission conducted a public hearing to consider the Southwood DRI NOPC #4 on February 3, 2003. At the public hearing, the Tallahassee-Leon County Planning Commission made the following findings: the Southwood DRI NOPC #4 not to a "substantial deviation," is consistent with the Comprehensive Plan, and is consistent with other applicable codes, rules, regulations, and policies of the City. The Planning Commission also recommended approval of the ADO found in **Attachment #1**, subject to the conditions recommended by staff (as outlined on pages 3-5 of this report). Based on the written comments received from City departments and State agencies in response to the DO, staff recommends that the City Commission take the following action on the Southwood DRI NOPC:

1. **Find the Southwood DRI NOPC is not a substantial deviation; and**
2. **Find the Southwood DRI NOPC is consistent with the Comprehensive Plan; and**
3. **Find the Southwood DRI NOPC is consistent with other applicable codes, rules, regulations, and policies of the City [to a large extent, consistency with other applicable codes, rules, regulations, and policies will be determined once applications for site plan, environmental management permits, and building permits (if applicable) are submitted for review].**
4. **Approve the Amended Development Order, subject to adding the following conditions:**
 - a. The trip generation summary should be added to the DO as an exhibit. The MUOC-4 and TC pods should be separated out or a footnote should be added to set a maximum square footage for MUOC-4.
 - b. Language should be added to the DO to indicate that prior to submittal of the next Notice of Proposed Change, the Developer shall perform a traffic analysis relating to the use of the educational facilities (K-12) as they relate to community college uses. Mitigation relating to this change in use shall be reflected in the next Notice of Proposed Change.
 - c. The DO should be conditioned to require that the improvement to Capital Circle SE be constructed, under construction, let to contract for construction, or scheduled to be let for contract within 3 years. As an alternative, a letter from

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the Public Works Department indicating that the improvement will meet this schedule would satisfy this condition.

- d. It is anticipated that a JPA will be executed prior to or at the February 26, 2003 City Commission meeting at which the proposed NOPC will be considered. If a JPA is executed prior to the NOPC being considered by the City Commission, the requirement for the developer to construct the improvements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9), 3.A.14.f(17) and 3.A.14(g) should be deleted. If a JPA is not executed prior to the NOPC being considered by the City Commission, the NOPC shall be continued until such time a JPA is executed and in effect or language should be added to the DO to indicate that the current DO requirements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9), 3.A.14.f(17) and 3.A.14(g) will be deleted provided the developer enter into a JPA no later than April 15, 2003. The language should also indicate that if a JPA is not executed by April 15, 2003, the roadway improvements outlined in Sections 3.A.14.f(1), 3.A.14.f(5), 3.A.14.f(7), 3.A.14.f(8), 3.A.14.f(9), 3.A.14.f(17) and 3.A.14(g) shall be required to be completed, but the current September 11, 2003 deadline by which the identified roadway improvements must be under construction or let to contract for construction shall be extended by 180 days.

The staff recommendation outlined above is consistent with the staff recommendation presented to the Planning Commission and subsequently recommended for approval by the Tallahassee-Leon County Planning Commission (with the conditions as noted on pages 5 and 6 on February 3, 2003).

OPTIONS

Option 1: Determine that NOPC #4 to the Southwood DRI is not a "substantial deviation" and approve the Amended Development Order found in **Attachment #1**, subject to conditions recommended by staff and the Planning Commission.

Option 2: Provide alternative direction.

ATTACHMENTS/REFERENCES

Attachment #1: NOPC Packet Submitted by Applicant